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VIRGINIA

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

ALLISON M. MOORE,

Plaintiff,

vs.

STEPHEN K. MOORE,

Defendant.

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CIVIL ACTION NO.: 2010-10006

ORDER

THIS MATTER COMES before the Court upon the Petition for a Rule to Show Cause of the Plaintiff, ALLISON M. MOORE, against the Defendant, STEPHEN K. MOORE, for his failure to comply with the Final Decree of Divorce, attached hereto as "Exhibit A," entered herein by the Fairfax County Circuit Court on May 31, 2011 on the following grounds; and

IT APPEARING TO THE COURT that

1. Subsection 6(b) of the parties' Property Settlement Agreement ("PSA") was affirmed, ratified, and incorporated into their Final Decree of Divorce by this Court on May 31, 2011. The PSA states, "As and for spousal support, the Husband shall pay the Wife the sum of Eighteen Thousand Six Hundred Ninety-Seven Dollars and Ninety-Five Cents (\$18,697.95) per month, commencing on April 1, 2011 and continuing on the first of every month thereafter until the first to occur of: (a) ten years; (b) until the death of either party; (c) the remarriage of the Wife; or (d) the cohabitation of the Wife in a relationship analogous to marriage for one year or more."

2. From August 1, 2012 through November 30, 2012, the Defendant did not make spousal support payments, thereby amassing a total principal arrearage of Seventy-Four Thousand, Seven Hundred Ninety-One Dollars and Eighty Cents

(\$74,791.80, *i.e.*, \$18,697.95 x 4) for the months of August, September, October, and November 2012.

3. Section 12 of the parties' PSA states, "Commencing on April 1, 2011, and continuing until the high school graduation of [REDACTED] provided [REDACTED] is at least 18 years old at the time of graduation, Husband shall pay the Wife, as and for the child support pertaining to [REDACTED] the amount of \$1572.00 per month."

4. From August 1, 2012 through November 30, 2012, the Defendant did not make child support payments, thereby amassing a total principal arrearage of Six Thousand, Two Hundred Eighty-Eight Dollars (\$6,288.00, *i.e.*, \$1,572 x 4) for the months of August, September, October, and November 2012.

5. Subsection 8(d) of the parties' PSA states "Husband shall transfer to the Wife, within 30 days of the execution of this Agreement, the sum of Five Hundred Nineteen Thousand Dollars (\$519,000). See Attached Exhibit A. If Husband's funds are insufficient to do so, he shall refinance the marital residence or otherwise obtain funds to pay Wife, within 30 days, said \$519,000."

6. As of November 30, 2012, the Defendant had transferred \$299,000 of the 8(d) obligation from the PSA to the Plaintiff. He still owed \$220,000 of the 8(d) obligation to the Plaintiff, yet he has not obtained funds or refinanced the marital residence to make payment to the Plaintiff.

7. The Defendant's refusal to pay spousal support, child support, and transfer the remaining \$220,000 he owed the Plaintiff caused her to use her savings to pay for her expenses. The Defendant's failure to refinance the marital residence entangled the two parties for longer than permitted under the PSA.

8. The parties' PSA states on page 16 of 23 that "In the event of breach of any paragraph or term of this Agreement, the breaching party shall pay to the non-

breaching party the reasonable attorney's fees and costs incurred. In addition, in the event of any future litigation of or pertaining to child or spousal support, the Court shall have full discretion to award attorneys' fees and costs to either party, regardless or breach."

9. On November 30, 2012, this Court entered an Order stating that the Defendant was in Contempt of Court (attached hereto as "Exhibit B"). On December 8, 2012, at 1:40pm, Defendant Stephen Moore was personally served the Court's Order at his residence at [REDACTED] Falls Church, Virginia (attached hereto as "Exhibit C").

10. In order to ensure the Defendant's compliance with the Court's Order, Counsel for the Plaintiff mailed a letter to the Defendant reminding him of his responsibilities under this Court's November 30, 2012 Order on January 29, 2013. The Plaintiff also mailed to the Defendant the Plaintiff's Requests for Admissions, the Plaintiff's Requests for Production of Documents, and a Notice of Deposition for February 21, 2013 in order to ascertain the extent of the Defendant's assets.

11. Additionally, the Plaintiff had her letter to the Defendant, the Requests for Admissions, the Requests for Production of Documents, and the Notice of Deposition served on the Defendant by posting on the front door of his usual place of abode on February 4, 2013.

12. The Defendant did not respond in any way to the Plaintiff's Letter, Requests for Admissions, or Requests for Production of Documents, and did not show up for his deposition on February 21, 2013.

13. Since the entry of the Court's Order on November 30, 2012, the Defendant has paid \$0 in Child Support, \$0 in Child Support arrearages, \$0 in attorney's fees, \$0 toward the \$220,000 he still owes the Plaintiff from Paragraph 8(d) of the parties'



Property Settlement Agreement, \$0 in Spousal Support arrearages, and \$20,000 in Spousal Support for December 2012, \$7,500 in Spousal Support for January 2013, \$10,000 in Spousal Support for February 2013, and \$10,000 in Spousal Support for March 2013.

IT IS THEREFORE ADJUDGED AND ORDERED as follows:

1. The Defendant is in Contempt of Court for willfully not complying with the Court's Final Order of Divorce entered herein by the Fairfax County Circuit Court on May 31, 2011 and for willfully not complying with the Court's Order entered herein on November 30, 2012;

2. That the Defendant shall purge said contempt by doing the following:

(a) Pay the Plaintiff the \$220,000 he still owes her of the \$519,000 agreed to in Paragraph 8(d) of the parties' Property Settlement Agreement of 22<sup>nd</sup> of March, 2011. The Court shall appoint a Commissioner of Sale to sell the marital residence at [REDACTED] Falls Church, Virginia and from the proceeds of such sale, distribute the amount of proceeds to the Plaintiff necessary to make her whole under the terms of this Order.

(b) Pay the Plaintiff (i) \$74,791.80 in spousal support arrearages for the months of August 2012 through November 2012, (ii) \$6,288.00 in child support arrearages for the months of August 2012 – November 2012, and (iii) \$608.07 in interest for the arrearages in spousal support and child support payments within thirty (30) days of the entry of this Order. Within fifteen (15) days of the entry of this Order, the Defendant shall set up an automatic monthly transfer from the Defendant's assets to a bank account of the Plaintiff's choosing, with the automatic monthly transfer occurring on the first of the month, to assure the

Defendant's monthly and full payments of spousal and child support.

(c) Pay the Plaintiff (i) \$27,291.80 in spousal support arrearages for the months of December 2012 through March 2013 ( $\$18,697.95 \times 4 = \$74,7981.80$  minus \$47,5000 in payments made = \$27,291.80), and (ii) \$6,288.00 in child support arrearages for the months of December 2012 – March 2013 ( $\$1,572 \times 4 = \$6,288$ ), and (iii) \$183.07 in interest for these arrearages in spousal support and child support payments within thirty (30) days of the entry of this Order.

(d) No later than March 15, 2013, the Defendant shall pay \$2,895.01 to the Plaintiff as and for the Plaintiff's attorney's fees and costs incurred in regards to the Order entered by this Court on November 30, 2012.

(e) No later than March 15, 2013, the Defendant shall pay \$2,347.69 to the Plaintiff as and for the Plaintiff's attorney's fees and costs incurred in regards to this Order.

(f) The Clerk of this Court shall issue a Capias <sup>RB</sup> ~~to Show Cause~~ for the arrest of Defendant Stephen Moore so that he may purge his contempt.

3. This case is continued for two (2) months until Friday, May 3, 2013 at 11:30am, to ensure full compliance with this Order and to consider all other available contempt sanctions, including incarceration.

AND THIS MATTER IS CONTINUED.

ENTERED THIS 1 DAY OF March, 2013.

Deputy Smith  
JUDGE

SEEN AND \_\_\_\_\_:

THE ROOP LAW FIRM, PLLC

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SEEN AND \_\_\_\_\_:

\_\_\_\_\_  
Stephen Moore  
[REDACTED]  
Falls Church, Virginia 22043  
*Pro Se Defendant*